

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE KINGREY, and SANDRA McCOLLUM,
individually and as heirs at law to the Estate of LARRY GENE McCOLLUM,
PLAINTIFFS

V.

CIVIL ACTION NO.
3:12-cv-02037

BRAD LIVINGSTON, JEFF PRINGLE, §
RICHARD CLARK, KAREN TATE, §
SANDREA SANDERS, ROBERT EASON, the §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH and the TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §
DEFENDANTS §

**PLAINTIFFS' UNOPPOSED MOTION TO FILE SUR-REPLY TO DEFENDANT
UNIVERSITY OF TEXAS MEDICAL BRANCH'S MOTION TO DISMISS UNDER
RULE 12(c)**

Plaintiffs respectfully ask leave of the court to file this short sur-reply to address a new argument raised for the first time in the University of Medical Branch's reply brief.

In their reply briefing, UTMB advanced a new argument concerning the applicability of the Americans with Disabilities Act and Rehabilitation Act claims. As UTMB's new argument is flawed and reflects a fundamental misunderstanding of what illegal conduct the statutes protect people with disabilities from, Plaintiffs respectfully request leave to file a two page sur-reply, which is attached as Exhibit A.

Plaintiffs' counsel has conferred with defense counsel and they are not opposed to Plaintiffs' motion for leave.

Respectfully submitted,

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By /s/ Jeff Edwards

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.

By /s/ Jeff Edwards
JEFF EDWARDS

CERTIFICATE OF CONFERENCE

By my signature above, I certify that I conferred with counsel for the Defendants by email and they are unopposed to the relief requested in this motion.

By /s/ Jeff Edwards
JEFF EDWARDS